IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19091 of 2004

Between:

D' elite Cultural & sports Association,

Regd. No.1544/2004, A Society Registered under A.P. Societies Registration Act, 2001, plot NO.77, Road No.9A, Jublee Hills, Hyderabad. rep.by its President, D.Krishna Kumar.

..... PETITIONER

AND

1 The Commissioner of police, Basheerbagh, Hyderabad.
2 The Dy.Commissioner of police, West Zone, Hyderabad.
3 The Asst. Commissioner of police, Banjara Hills, Hyderabad.
4 Inspector of police, Jubilee Hills Police Station, Hyderabad.
5 The Sub Inspector of Police, Jubilee Hills police Station,

Hyderabad.
6 The Dy.Commissioner of police, Task Force,

West & South Zone, Begumpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other

appropriate writ, declaring the action of Respondents in insisting and compelling the petitioner to obtain the licence under section 21 (f)(I) of the Hyderabad police Act is arbitrary, illegal, capricious and violative of principles of natural justice and contrary to the provisions of section 21(f)(i) of Hyderabad police Act and consequently direct the Respondents not to insist and compel the petitioner to obtain the licence under section 21 (f) (i) of the Hyderabad and not to interfere with the lawful activities of the petitioner and its members in the premises bearing plot No.77, Road No.9A, Jubilee Hills, Hyderabad.

Counsel for the Petitioner: SMT.V.DYUMANI

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner claims to be a society established on 07-10-2004, with an object to provide certain facilities of indoor and outdoor games to its members and guests at premises bearing plot No.77, Road No.9-A, Jubilee Hills, Hyderbad. This writ petition has been filed seeking a declaration that the alleged action of the respondents in insisting and compelling the petitioner to obtain a licence under Section 21(f)(i) of Hyderabad City Police Act (for short 'the Act') as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

It is brought to my notice by the learned counsel for the petitioner that an identical issue has been considered by this Court in NIZAM CLUB v. THE DEPUTY COMMISSIONER OF POLICE AND ADDITIONAL DISTRICT MAGISTRATE, WEST ZONE, HYDERABAD and the ratio laid down in the said decision has been followed subsequently in other similar cases. The said fact has not been disputed by the learned Government pleader.

Accordingly, following the ratio laid down in the NIZAM CLUB v. THE DEPUTY COMMISSIONER OF POLICE AND ADDITIONAL DISTRICT MAGISTRATE, WEST ZONE, HYDERABAD (1 supra), this writ petition is disposed of declaring that as long as the petitioner carries on lawful activities like cultural activities, recreational activities, educational activities restricting the benefits only to its members, the petitioner is not in law required to obtain any licence under Section 21(f)(i) of the Act. No costs.

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14-10-2004

vs

To

1 The Commissioner of police, Basheerbagh, Hyderabad.
2 The Dy.Commissioner of police, West Zone, Hyderbad.
3 The Asst. Commissioner of police, Banjara Hills, Hyderabad.
4 Inspector of police, Jubilee Hills Police Station, Hyderabad.
5 The Sub Inspector of Police, Jubilee Hills police Station,

Hyderabad.
6 The Dy.Commissioner of police, Task Force,

West & South Zone, Begumpet, Hyderabad.

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